

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BILLY M. SMITH,

Plaintiff,

-v-

**MONTGOMERY COUNTY
SHERIFF'S OFFICE, et al.,**

Defendants.

Case No. C-3:10-cv-448

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING SMITH'S OBJECTIONS (Doc. #158) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS REGARDING SMITH'S MOTION FOR EXTENSION OF TIME TO APPEAL; OVERRULING SMITH'S OBJECTIONS (Doc. #164) TO THE MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS REGARDING SMITH'S MOTION FOR EXTENSION OF TIME TO APPEAL; OVERRULING SMITH'S OBJECTIONS (Doc. #165) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS REGARDING SMITH'S MOTION TO STRIKE; DENYING SMITH'S MOTION FOR AN EXTENSION OF TIME TO APPEAL (Doc. #147) AND DENYING SMITH'S MOTION TO STRIKE (Doc. #162)

This matter is before the Court on pro se Plaintiff Billy M. Smith's ("Smith's")

Objections (doc. #158) to the Report and Recommendations filed by Magistrate Judge Michael R. Merz ("Magistrate Merz") regarding Smith's Motion for Extension of Time To Appeal (doc. #157), Smith's Objections (doc. #164) to Magistrate Merz's Supplemental Report and Recommendations regarding Smith's Motion for Extension of Time To Appeal (doc. #161) and Smith's Objections (doc. #165) to the Magistrate Judge Merz's Report and Recommendations regarding Smith's Motion To Strike (doc. #163). Magistrate Merz recommends that Smith's Motion for Extension of Time To Appeal and his Motion To Strike both be denied.

The Defendants have filed a Response to Smith's Objections to the Supplemental Report and Recommendations and a Response to Smith's Objections to Magistrate Merz's Report and Recommendations regarding Smith's Motion To Strike. Smith's Objections are, therefore, ripe for review.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Smith's Objections to Magistrate Merz's Report and Recommendations regarding Smith's Motion for Extension of Time To Appeal are not well-taken and are hereby **OVERRULED**. Also, Smith's Objections to Magistrate Merz's Supplemental Report and Recommendations regarding Smith's Motion for Extension of Time To Appeal are not well-taken and are hereby **OVERRULED**. Finally, Smith's Objections to Magistrate Merz's Report and Recommendations regarding Smith's Motion To Strike are not well-taken and are hereby **OVERRULED**.

Magistrate Merz's Report and Recommendations and Supplemental Report and Recommendations regarding Smith's Motion for Extension of Time To Appeal are adopted in their entirety. Smith's Motion for Extension of Time To Appeal is **DENIED**.

Magistrate Merz's Report and Recommendations regarding Smith's Motion To Strike is adopted in its entirety. Smith's Motion To Strike is **DENIED**.

DONE and **ORDERED** in Dayton, Ohio, this First Day of August, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Billy M. Smith at his last address of record